

Date of decision: July 15,1996

For Approval and Signature:

The Hon'ble Mr.Justice N.J.Pandya

The Hon'ble Mr.Justice A.R.Dave

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or a..

thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.M.R.Anand, GP with Mr.Maulin Rawal, AGP for the appellant.

Coram: N.J.Pandya & A.R.Dave,JJ.

July 15,1996

ORAL JUDGMENT (Per N.J.Pandya,J.)

The previous award of the learned trial Judge produced before him at Exh.11 was a subject matter of appeal being First Appeals No.1885 to 1025 of 1995 and allied appeals in this Court. That award was given in Land Reference Cases No.54/89 to 69/89 on 7-10-1994. It

was dealt with by a Division Bench of this Court, where one of us (N.J.Pandya,J.) was a party and order of remand was passed on 13th October 1995. When that very judgment dated 7-10-1994 exh.11 ceased to exist in view of the said judgment in appeals dated 13th October 1995, obviously, the the present appeal will also have to be remanded to the trial Court.

This matter is also therefore, allowed. The judgment of the learned Assistant Judge, Amreli dated 29-4-1995 given in Land Reference Cases 186/93 to 189/93 is hereby set aside and the matter is remanded to be dealt with by the trial Court as per the said judgment dated 13th October 1995 given in F.As.No.1885/95 to 1900/95, No order as to costs.
